

# UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America )

v. )

Constantin-Lucian Buse )

Renatto Vizintin )

Defendant(s)

Case No. **18-1365-M**

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of **May 3, 2018 through June 19, 2018** in the county of **Montgomery** in the  
**Eastern** District of **Pennsylvania**, the defendant(s) violated:

*Code Section*

*Offense Description*

18 U.S.C. § 1344

Bank fraud

18 U.S.C. § 1349

Conspiracy to commit bank fraud

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent William Aquilani, which is incorporated herein by reference

☒ Continued on the attached sheet.

  
 Complainant's signature

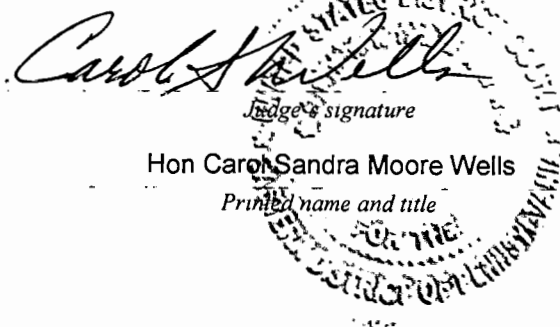
William Aquilani, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: **August 24, 2018**

City and state: **Philadelphia, Pennsylvania**

  
 Judge's signature

Hon Carol Sandra Moore Wells

Printed name and title

**AFFIDAVIT**

I, WILLIAM AQUILANI, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent employed by Homeland Security Investigations (HSI), an agency within the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE). I am currently assigned to the Cyber Crimes Investigations Group (CCIG) within the HSI office in Philadelphia, Pennsylvania. I have been employed by HSI and its legacy component agencies as a Special Agent since August 1997. I have a Bachelor of Arts degree in Political Science and am a graduate of the Federal Law Enforcement Training Center in Brunswick, Georgia. I have conducted and participated in numerous investigations including but not limited to financial crimes, narcotics violations, immigration offenses, and other violations of Title 18, United States Code.

2. This affidavit is being submitted in support of a complaint and warrant for the arrest of Constantin Lucian Buse and Renatto Vizintin for bank fraud in violation 18 U.S.C. § 1344 and conspiracy to commit bank fraud in violation of 18 U.S.C. § 1349.

3. I am an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in 18 U.S.C. § 2516. As such, I am an “investigative or law enforcement officer” within the meaning of 18 U.S.C. § 2510(7).

4. The information in this affidavit is based on personal knowledge as well as information received from other sworn law enforcement officers, my review of various records, including but not limited to police reports, photographs and financial information. This affidavit does not include every fact known to me concerning this investigation. This affidavit contains

only those facts I believe are necessary to establish probable cause to support the issuance of an arrest warrant for Constantin Lucian Buse and Renatto Vizintin.

### **SUMMARY OF INVESTIGATION**

5. From May 3, 2018 through June 18, 2018, Diamond Credit Union, a financial institution as defined in 18 U.S.C. § 20, located in Pottstown, Pennsylvania, learned that the Automated Teller Machine (ATM) in its lobby was used over 400 times to unlawfully access dozens of bank accounts using cloned debit/credit cards. I am aware of a criminal scheme that places devices on ATM machines, gas pumps and point of sale systems to surreptitiously steal bank and credit card information and access codes known as Personal Identification Numbers (PIN). After which, the captured information is transferred and re-encoded on gas cards, gift cards, and other cards bearing magnetic strips to create an unauthorized clone of the legitimate debit/credit card. Fraudsters then use the cloned debit/credit card to access ATM machines to withdraw cash for criminal gain. This criminal activity is known to law enforcement as ATM skimming. ATM skimming deprives the legitimate account holders of their monies and ultimately results in the victim's financial institution absorbing the financial loss.

6. Diamond Credit Union personnel reviewed their records and security footage and saw that there were three separate unidentified males conducting the unauthorized ATM skimming transactions.

7. On June 19, 2018, at approximately 1821 hours, Lower Pottsgrove Detective Daniel Kienle conducted surveillance outside of Diamond Credit Union. During his surveillance, he observed a white Dodge Journey with Georgia license plates enter the Diamond Credit Union parking lot. Detective Kienle saw a white male wearing a light blue shirt enter the lobby of the Diamond Credit Union where the ATM is located. The white male Detective

Kienle saw entering Diamond Credit Union matched the description of the person he previously saw on video and photographs withdrawing cash using cloned debit/credit cards at the Diamond Credit Union ATM.

8. While the male suspect was in the Diamond Credit Union lobby, a Diamond Credit Union employee recognized the male as one of the persons seen on the ATM surveillance video/photographs from previous skimming incidents at the Diamond Credit Union ATM. The Diamond Credit Union employee contacted the police and reported that she believed the ATM skimmer was in the credit union's lobby at the ATM. Detective Kienle received the call over the radio dispatch while he was conducting his surveillance in the Diamond Credit Union parking lot. Detective Kienle realized the report from the employee was the same male he saw enter the lobby after getting out of the white Dodge Journey.

9. The Diamond Credit Union employee walked into the lobby, and the male suspect left the lobby. Detective Kienle observed the male leave the Diamond Credit Union and walk back towards the white Dodge Journey. Detective Kienle requested assistance from uniformed Lower Pottsgrove Township Police Officers and followed the Dodge Journey as it left the parking lot until uniformed Lower Pottsgrove Police Officers stopped the Dodge Journey. The driver of the Dodge Journey was identified as Constantin Lucian Buse (Buse). Detective Kienle recognized the driver as the person he saw enter the Diamond Credit Union lobby that evening. The passenger of the vehicle did not have identification, but, after his arrest, he was identified as Renatto Vizintin (Vizintin). Both Buse and Vizintin possessed several re-encoded debit/credit cards in their wallets and were arrested by the Lower Pottsgrove Township Police Officers. Buse possessed four re-encoded debit/credit cards, and Vizintin possessed seven re-encoded

debit/credit cards. Each of the cards had a small sticker placed on the face of the card containing four or five handwritten numbers (consistent with a PIN number).

10. Detective Kienle determined that the Bank Identification Number (BIN) imprinted on the face of each card differed from the BIN encoded on the cards' magnetic strips. The characteristics of these debit/credit cards are thus consistent with ATM skimming.

11. Based on investigators review of security footage and bank records, they determined that from May 3, 2018 through June 19, 2018, Buse, Vizintin, and an unidentified third male made approximately 458 attempts to withdraw cash with cloned debit/credit cards from the Diamond Credit Union ATM. Investigators determined based on their review of the bank records that of the 458 attempts, 143 transactions were successful totaling approximately \$40,100 in unauthorized cash withdrawals.

12. Investigators reviewed the Diamond Credit Union records and security footage, which show Buse conducting approximately 178 attempts to withdraw cash from Diamond Credit Union's ATM using cloned debit/credit cards from May 3, 2018 through June 19, 2018. Records from Diamond Credit Union reveal that on June 19, 2018, from 1822 hours through 1823 hours when Detective Kienle and the Diamond Credit Union employee saw Buse at the ATM, he made four attempts to withdraw cash, successfully withdrawing \$400 during one of the attempts. At the time of his arrest, Buse had \$400.95 in his pants pocket. The \$400 consisted of 20 \$20 bills. From May 3, 2018 through June 19, 2018, Buse successfully withdrew \$16,200 in cash using cloned debit/credit cards.

13. Vizintin is seen on security cameras conducting approximately 110 attempts to withdraw cash from Diamond Credit Union's ATM using cloned debit/credit cards from May 3,

2018 through June 7, 2018. Vizintin successfully withdrew \$8,180 in cash using cloned debit/credit cards.

14. The third unidentified male who withdrew cash from the Diamond Credit Union ATM using cloned debit/credit cards on the same dates and at approximately the same times as Buse and Vizintin, successfully withdrew approximately \$15,720 from May 3, 2018 through June 18, 2018.

15. On June 21, 2018, Lower Pottsgrove Police executed a search warrant on the white Dodge Journey and seized 57 prepaid debit/credit cards from inside the vehicle. The cards were consistent with the cards Buse and Vizintin possessed on June 19, 2018. Each of the 57 cards was re-encoded with BIN information that did not match the BIN information imprinted on the card's face.

### CONCLUSION

16. Based upon the preceding information and your Affiant's knowledge and experience, your Affiant submits that the facts set forth in this Affidavit demonstrate that there is probable cause to believe that Constantin-Lucian Buse and Renato Vizintin violated 18 U.S.C. § 1349 (conspiracy to commit bank fraud) and 18 U.S.C. § 1344 (bank fraud).

Respectfully submitted

  
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WILLIAM AQUILANI

Special Agent

Homeland Security Investigations

Sworn to and subscribed before me this 24<sup>th</sup> day of August AM 2018.



HONORABLE CAROL SANDRA MOORE WELLS  
United States Magistrate Judge